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THE CONTINENTAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CONTINENTAL INSURANCE
COMPANY, a corporation,

Plaintiff,

v.

KAWASAKI KISEN KAISHA, LTD.
D/B/A "K" LINE, a foreign corporation;
"K" LINE AMERICA, INC., a foreign
corporation; and DOE ONE through DOE
TEN,

Defendants.

Case No. C 07-06148 WHA

**LR 6-2(a) DECLARATION OF JONATHAN
W. THAMES IN SUPPORT THE PARTIES'
LOCAL RULE 6-2 STIPULATED
REQUEST FOR ORDER CHANGING
TIME FOR HEARING OF DEFENDANTS'
MOTION TO DISMISS PURSUANT TO
TOKYO DISTRICT COURT FORUM
SELECTION CLAUSE**

**LR 6-2(a) DECLARATION OF JONATHAN W. THAMES
IN SUPPORT OF PARTIES' STIPULATED REQUEST FOR ORDER**

I, JONATHAN W. THAMES, do hereby declare as follows:

1. I am an adult fully competent to make the following declaration. I am an attorney with the firm of Archer Norris, and am duly licensed to practice law before the courts of the States of California, Washington, Louisiana and Mississippi. This declaration is based on my own personal knowledge, or based on information and belief as formed in my capacity as counsel for plaintiff The Continental Insurance Company. If called upon to testify, I could and would testify as set forth in this declaration.

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2. Defendants Kawasaki Kisen Kaisha, Ltd.'s and "K." Line America, Inc.'s Motion to Dismiss pursuant to the Tokyo District court forum selection clause contained in the relevant bills of lading is currently set for hearing on this Court's docket on April 24, 2008.

3. Plaintiff The Continental Insurance Company opposes this motion.

4. Pursuant to Local Rule 7-3(a) plaintiff's opposition to said motion was due on April 3, 2008. Because of my calendaring error, I did not timely file Continental's opposition.

5. After receiving this Court's clerk's much-appreciated voicemail this morning advising me that the opposition was late, I telephoned opposing counsel and asked that they stipulate to renoticing their motion for hearing on a date several weeks in the future to allow me a chance to file my opposition. Opposing counsel very kindly agreed.

6. Additional good cause exists for an order changing the time for hearing of defendants' motion. The parties are presently negotiating in good faith to settle this suit; and hope to have the matter resolved by next week. Some additional time to finalize these negotiations free from the need to expend time and resources briefing a motion that may be mooted by settlement would be very welcome.

7. Pursuant to LR 6-2(a)(2), there have been no previous time modifications in this case.

8. Pursuant to LR 6-2(a)(3), the requested time modification will have no effect on the schedule already set for this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This Declaration was executed on April 4, 2008, at Walnut Creek, California.


Jonathan W. Thames

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